

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Tuesday, February 21<sup>st</sup>, 2012, beginning at 8:00 PM.

## PLEDGE OF ALLEGIANCE

ROLL CALL	Trustee Batista	- Present
	Trustee Bueno	- Present
	Trustee Watson	- Present
	Trustee Dominguez	- Present
	Mayor Kohut	- Present

Mayor Kohut: The Mayor opened the meeting informing the public that the Board was sitting that night as both the Village Board for the regular meeting and the Board of Assessment to hear tax grievances between the hours of 5:00 and 9:00 PM.

Before continuing with the meeting, the Mayor requested Jose Blanco to come forward to receive a plaque from the Village Board for his 26 years of hard work and dedicated service to the Village of Haverstraw Department of Public Works. The Mayor read the plaque and presented it to Mr. Blanco with the sincere thanks and gratitude of the entire Board, expressing to him best wishes for a long and happy retirement.

Jose Blanco: Mr. Blanco thanked the Board and his fellow workers at the DPW for all that they have done for him. Trustee Dominguez translated for Mr. Blanco.

The Mayor then opened the floor to the first Public Participation inviting the public to ask questions or make comments.

Larry Levine, 1414 Round Pointe Drive: Mr. Levine first thanked the Board for continuing to maintain the cleanliness of the garbage area. He then inquired about the Executive Touch Landscaping property and what the Village will be doing with that property.

Mayor Kohut: The Mayor explained that the property was purchased through Eminent Domain and subsequently sold to Martin Ginsberg as part of the overall development of Harbors. The previous tenant has now vacated the property and he believes that Mr. Ginsberg is looking for a tenant for the time being.

Larry Levine: Mr. Levine questioned the Board with regard to the Streetscape Plan being set up on the Village Website.

Mayor Kohut: The Mayor stated that the Streetscape Project is currently on the Website.

Fulvio Ortega, Stanton LLC, 19 New Main Street: Mr. Ortega wanted to make the Board aware of a group of young motorcyclist recklessly riding through the Village, putting the people crossing the streets in harms way. He believes they probably do not even have motorcycle licenses or own the bikes they were riding. He feels someone is going to get seriously hurt and that the Police need to start pulling them over and checking out the legality of their licenses and bikes, explaining that they speed up Pratt Street at all hours, doing at least 70 MPH. Mr. Ortega also went to Town Hall and asked to have a police watch in the area.

With no further input from the floor, the Mayor continued the meeting with a Public Hearing to "Override the Property Tax Cap Law". In the absence of Jay Hood, Jr., Village Attorney, the Mayor gave a brief synopsis of the new law, informing the public that the Governor proposed, and the Legislature passed, a law in 2011 putting a 2% cap on taxes unless a municipality passes a Local Law to override the cap. By passing this law, good faith mistakes would not hinder the budget in any way. This law would also have to be proposed and passed every year. The Village is not at the point in the budget process yet to know for certain if the Village would require more than 2%, but as a precautionary measure the New York Conference of Mayors (NYCOM) is recommending that all municipalities pass this law so that any miscalculations could be handled appropriately. He mentioned that the majority of municipalities are not exceeding the 2% cap, but are passing the override law as a precautionary measure. The Mayor then asked Joe Modafferri, Village Accountant to speak about the law, stating that Mr. Modafferri has taken several seminars with regard to this new law.

Joseph Modafferri: Mr. Modafferri stated that speaking with many people from different organizations at the conferences, that NYCOM is not alone in recommending passage of an override law. He reiterated that this is strictly a precautionary action, mentioning that over the past several years, the increase in village taxes was under 2%.

Mayor Kohut entertained a motion to open the Public Hearing pursuant to General Municipal Law 3C.

#### RESOLUTION #40-2012

Motion by: Emily Dominguez

Seconded by: Francisco Batista

Motion carries: All

Mayor Kohut: The Mayor then invited the public to make comments or ask questions.

Lynn Teger, 5 Simenovsky Drive: Ms. Teger asked for clarification on why, if a mistake is made, that the Village would not have to return any money to the taxpayer.

Mayor Kohut: The Mayor explained that if the Board believes that a budget is passed below the 2% cap and then finds a calculation error or misunderstanding of what is or is not included in the cap, this law would allow the village to continue to use the overage rather than hold it in reserve. He then gave an example to help clarify the law.

Lynn Teger: Ms. Teger questioned why the Village would not have to refund money to the taxpayer, even if it is an honest mistake.

Terence Watson: Trustee Watson explained that by returning the money, the Village may not be able to cover what is being budgeted. It is a miscalculation that is not intentional, but would still be needed to run the Village suitably.

Lynn Teger: Ms. Teger mentioned that an override of the 2% cap was just approved in the Town and with the Village wanting to do the same it is only going to hurt the taxpayers. She also mentioned that people are currently struggling to stay in their homes and to have to pay any additional taxes will be a real burden on many residents of both the Village and the Town. She hopes

that the Board will consider not raising the taxes more than the allotted 2% because she is afraid of the effect it will have on the community.

James Mackay, 39 Village Mill: Mr. Mackay also wanted some clarification. He believes what the Mayor said is that there are exceptions to the 2% cap, including pensions, mandated expenses, health insurance, etc. and should the village make a mistake in calculations, what is exempt from the 2% would cover the village down the road. He feels, also, that the 2% cap is misleading to many taxpayers who will be happily thinking their taxes will not be going up by more than 2%.

Mayor Kohut: The Mayor stated that it is not a cap on the tax amount, but on the levy, which are two completely different things. What the Village is being told is that this is so new that there are nuances that even the State has not thought about yet. Rather than punish the taxpayers for that mistake, the law will give the municipalities "a level playing field" until it is all straightened out by the State.

James Mackay: Mr. Mackay is aware that the tax is on the levy, however, he believes there must be some pressure at some level to keep costs down. He mentioned when he purchased his condo, his taxes were 1/6% of his mortgage payment; currently, between the Village, the Town and the School, his tax portion of his mortgage payment is now 50%. His basic objection is that it would leave the taxpayer on the hook again, therefore, he asked that the Board not pass this law. He just feels that at some point, there has to be pressure at some level to get things right and hold costs down.

Mayor Kohut: The Mayor reminded the public that everyone on the Board is also a taxpayer of the Village and also feeling the stress to hold costs down.

With no further input from the floor, Mayor Kohut entertained a motion to close the Public Hearing with regard to the 2% Tax Cap.

RESOLUTION #41-2012

Motion by: Emily Dominguez

Seconded by: Terence Watson, Jr.

Motion carries: All

Emily Dominguez: Trustee Dominguez requested the Board to table this issue until they have time to further discuss the matter.

Mayor Kohut: The Mayor asked if anyone in the room was there for Tax Grievance purposes. With no response from the floor, the Mayor continued with the regular meeting agenda.

Mayor Kohut:

### **REPORTS OF VILLAGE OFFICIALS**

**VILLAGE ATTORNEY, Jay Hood, Jr.:** Counselor Hood was absent from the meeting.

**VILLAGE TREASURER, Judith Curcio:** Ms. Curcio had nothing to report.

**MAYOR'S REPORT, Mayor Kohut:**

The Mayor reported that the Village Attorney has negotiated a proposed settlement with property owner Bethune Realty, Inc. and Joseph Klein regarding a Façade Program loan that is overdue. The settlement calls for a monthly repayment of the total amount due of \$20,000.00 and also for a stipulation of judgment should the property owner default at any time during the repayment period, which would allow the Village to enter a judgment against him, less the amount of payments made.

Mayor Kohut entertained a motion to accept the proposed settlement for the repayment of a Façade Program loan by Bethune Realty and Joseph Klein.

RESOLUTION #42-2012

Motion by: Francisco Batista  
Seconded by: Emily Dominguez  
Motion Carries: All

Mayor Kohut: The Mayor announced that the Rockland County Department of Health received a grant to distribute among four communities in Rockland County to create healthy places to live, work and play, including Haverstraw, West Haverstraw, Nyack and Spring Valley, which would make available to the Village of Haverstraw \$90,000.00 over the course of four years. In this present grant year, which ends March 31<sup>st</sup>, 2012, the Village was awarded \$15,063.00 to install a playground in the area of the Community Center, which is the partial cost of the playground.

Mayor Kohut entertained a motion to allow the Mayor to sign the agreement with the County of Rockland for the "Healthy Places" Grant to install a playground as stated above.

RESOLUTION #43-2012

Motion by: Emily Dominguez  
Seconded by: Terence Watson, Jr.  
Motion carries: All

The Mayor reported that the Board has recently settled the contract with the CSEA employees, with an increase adjustment to the dental and vision plans; rates effective from now through the end of the contract.

Mayor Kohut entertained a motion to approve the increased expenses.

RESOLUTION #44-2012

Motion by: Terence Watson, Jr.  
Seconded by: Emily Dominguez  
Motion Carries: All

The Mayor announced that Ginsberg Development has asked the Village Board to release the \$1,000,000.00 Performance Bond that the Village has held and was issued by the Fidelity Deposit Company of Maryland on behalf of Harbors, for the construction and improvements to Building B, the Bayside Building at Harbors, Haverstraw. The building has been successfully completed and a Certificate of Occupancy has been issued by the Building Department. There is no basis to hold the bond on that building, however, the Village does still hold a bond on the overall project which is not affected by this bond release.

Mayor Kohut entertained a motion to release the \$1,000,000.00 bond held on Building B, the Bayside Building, at Harbors.

RESOLUTION #45-2012

Motion by: Emily Dominguez  
Seconded by: Terence Watson, Jr.  
Motion Carries: All

The Mayor spoke about the Length of Service Awards Program (LOSAP retirement plan) for the Village of Haverstraw Fire Department explaining there is a \$30,000.00 death benefit for a firefighter who dies up to the age of 62. The life insurance portion has been re-worked to cover via a life insurance policy only those firefighters that qualify for the benefit to \$20,000.00 or more, reducing the premium to \$8,910.00, a reduction of \$6,200.00.

Mayor Kohut entertained a motion to make the change to the LOSAP life insurance coverage.

RESOLUTION #46-2012

Motion by: Francisco Batista  
Seconded by: Emily Dominguez  
Motion Carries: All

The Mayor received a letter from the Quisqueya Sports Club to have the Dominican flag hung at the Village Hall on Friday, February 24<sup>th</sup> to celebrate Dominican Independence Day. A ceremony will take place at the Village Hall, at 4:30 PM, after which members will march up New Main Street to Broadway and the Quisqueya Club where a reception will be held.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #47-2012

Motion by: Rafael Bueno  
Seconded by: Emily Dominguez  
Motion Carries: All

The Mayor received a request from the North Rockland Midget Football Team to hang a banner across New Main Street at the railroad crossing, to advertise registration for the Midget Football program.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #48-2012

Motion by: Francisco Batista  
Seconded by: Emily Dominguez  
Motion Carries: All

The Mayor received a series of budget adjustments from Village Accountant, Joseph Modafferri, to be made as follows:

INCREASE ACCOUNTS

A1110.11	Justice Court	\$ 3,990.92
A1325.1	Treasurer	8,835.55
A1325.11	Treasurer/Clerk	760.62
A9961.9	Transfer to Reachout	3,243.02
A7140.1	Community Center	1,875.69
A3620.1	Building Department	11,068.15
A5110.1	DPW Laborers	51,673.04

A5010.1	DPW Administration	20,656.54
A5110.1	DPW Retirement Buyout	28,231.39

DECREASE ACCOUNT

A1990.41	Contingency overtime (To adjust for overtime 6/1/11 to 7/31/12)	\$130,334.92
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INCREASE ACCOUNTS

A9961.9	Transfer to Reachout	\$ 3,131.42
A7140.1	Community Center	2,663.03
A3620.1	Building Department	622.16
A5110.1	DPW Laborers	3,214.01
A5010.1	DPW Administration	1,043.42

DECREASE ACCOUNT

A1990.41	Contingency Overtime (To adjust for sick bonus)	\$ 10,674.04
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INCREASE REVENUE ACCOUNT

A3089	Other Government Aid	\$ 56,849.15
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INCREASE APPROPRIATION ACCOUNT

A3120.4	Police Contractual (Balance in CCTV Grant)	56,849.15
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INCREASE APPROPRIATION ACCOUNT

A3120.4	Police Contractual	39,300.00
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DECREASE APPROPRIATION ACCOUNT

A1990.4	Contingency (To cover balance of camera bills)	\$39,300.00
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Mayor Kohut entertained a motion to make the above stated changes to the budget.

RESOLUTION #49-2012

Motion by: Emily Dominguez  
 Seconded by: Terence Watson, Jr.  
 Motion Carries: All

The Mayor announced that the Board has negotiated the purchase of the Damiani Property, located between Emeline Park and the Chair Factory site on the river. Prior to closing, the Board feels it is necessary to do environmental testing on the property to ensure the property is not contaminated in any way. They have received a bid from Echo Systems Strategy, Inc. for professional services in the amount of \$4,700.00 to \$7,100.00, dependent on the number of test borings they will need to perform.

Mayor Kohut entertained a motion to approve the environmental testing as mentioned above.

RESOLUTION #50-2012

Motion by: Emily Dominguez  
Seconded by: Francisco Batista  
Motion Carries: All

The Mayor announced that during the week of February 27 to February 29<sup>th</sup>, Union Restaurant will be hosting their 4<sup>th</sup> annual "We Care Event" for people in the community. Anyone interested in helping with the event should contact Trustee Dominguez.

The Mayor then announced that Rescue Hook & Ladder Co. #1 will be hosting a St. Patrick's Day Testimonial Dinner Dance on March 9<sup>th</sup> at the Knights of Columbus Hall. The following members will be honored for their exceptional service and dedication rendered to Rescue Hook & Ladder Co. #1, the Haverstraw Fire Department and the citizens of the Village of Haverstraw:

Andrew Koval, Sr.  
F. Gary Zeh  
Michael Prestipino  
Ralph Cordisco  
Ralph Naples  
Thomas Watson, Sr.

He then mentioned it will be a "Corned Beef & Cabbage or Salmon" dinner at a cost of \$30.00 per person or \$55.00 per couple for anyone wishing to attend.

**Mayor Kohut:**

**REPORTS OF STANDING COMMITTEES**

**FIRE & ORDINANCES** – Trustee Rafael Bueno: Trustee Bueno submitted the following application for acceptance to the Haverstraw Fire Department as follows:

Ricardo Tavarez	Relief Hose Co. #3
Michael Lowry	Rescue Hook & Ladder Co. #1

Both applications are complete and in order.

Mayor Kohut entertained a motion to accept both applicants and assign them to the company of their choosing as stated above.

RESOLUTION #51-2012

Motion by: Rafael Bueno  
Seconded by: Emily Dominguez  
Motion Carries: All

Trustee Bueno had nothing further to report.

**PUBLIC WORKS, BUILDINGS & GROUNDS** – Trustee Terence Watson:  
Trustee Watson had nothing to report.

**YOUTH & FAMILY SERVICES** - Trustee Emily Dominguez: Trustee Dominguez mentioned that normally the center would be open the week that school is closed for "Winter Recess" however, with the district only having a

couple of days off, and as part of Unity in the Community, the center would be open that night for a sleepover for high school aged students. Members of the staff will be on hand to supervise. Trustee Dominguez had nothing further to report.

**BUILDINGS & CODE ENFORCEMENT - Trustee Francisco Batista:** Trustee Batista read the following report submitted by Building Inspector, Ruben Berrios for the period of 2/6 2/17 through :

Rental property inspections	-	15
Municipal searches	-	5
Miscellaneous inspections	-	117
Construction inspections	-	5
Complaints	-	9
Violations & tickets	-	19
Permits	-	3

Trustee Batista had nothing further to report.

Mayor Kohut:

**OLD BUSINESS**

None.

Mayor Kohut:

**NEW BUSINESS**

None.

Mayor Kohut:

**2<sup>nd</sup> PUBLIC PARTICIPATION**

Lynn Teger: Ms. Teger inquired what the Board is considering doing with the Damiani property.

Mayor Kohut: The Mayor responded that it will be used for the expansion of Emeline Park and for partial entrance by the Village to the Chair Factory property.

Lynn Teger: Ms. Teger then inquired what is being considered for the Chair Factory property.

Mayor Kohut: The Mayor informed Ms. Teger that the Village is currently in talks with a renowned restaurateur who is interested in opening a catering facility and restaurant in that location, plus the Village will be installing a promenade that will run from Emeline Park north, around those properties, to Warren Avenue.

Larry Montroy, 289 Westside Avenue: Mr. Montroy informed the Board that over the past year there has been a problem with a rooster and chickens in his neighborhood. He has spoken to the Building Inspector who stated he cannot catch them if he does not know where they are. Mr. Montroy feels this is a real annoyance for the residents in that area because the rooster does not only crow in the morning, but all day long and last summer many chicks were born. They roam between his house and Highland Avenue. He believes that they may

have once belonged to one of the residents in that area, who has since moved, leaving them behind.

Mayor Kohut: The Mayor inquired if Mr. Montroy contacted the Animal Control Office. He said that he will call Claudia Perry, the Animal Control Officer for the Town of Haverstraw, and speak with her about this situation to see what, if anything, can be done.

Larry Montroy: Mr. Montroy does not want them killed, but perhaps caught and given to a farmer. He thanked the Mayor for whatever he can do to resolve this problem.

Joel Commack, 33 Harbor Pointe Drive: Mr. Commack inquired what impact the release of the performance bond would have on the residents of both the Village and Harbors.

Mayor Kohut: The Mayor stated that it would have no impact at all on any village residents, explaining it was literally a "Performance Bond" to be sure that Ginsberg Development properly completed the Bayside building; meaning all their CO's and permits, etc. from the Building Department have been issued, which has been done.

Joel Commack: Mr. Commack asked about the other Performance Bond for the entire project.

Mayor Kohut: The Mayor stated that the other Performance Bond is still in place until the project is complete. It is not a finished project and they have not defaulted on anything they were supposed to do. If there was an issue with the next building or roads, then the Village could pull the bond leaving it up to the insurance company to finish the project.

Mr. Ortega, 19 Main Street: On a positive side, Mr. Ortega wanted the Board to know that Claudia Perry is doing an excellent job with the animals. He has helped her trap bit bulls, etc. and she is very good at her job and he feels she deserves a raise.

Mayor Kohut: With no further business to be conducted by the Village Board, the Mayor entertained a motion to adjourn the Village Board Meeting.

RESOLUTION #52-2012

Motion by: Emily Dominguez

Seconded by: Francisco Batista

Motion Carries: All

Respectfully submitted by,

Beverly A. Swift  
Senior Steno Clerk  
March 20<sup>th</sup>, 2012